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| APPLICATION NO.              | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
|------------------------------|----------------|----------------------|-------------------------|------------------|--|
| 10/620,039                   | 07/16/2003     | Arun Srivastava      | 44141-034RI             | 8203             |  |
| 7:                           | 590 06/06/2005 |                      | EXAMINER                |                  |  |
| Kenneth L Ca                 | ge             |                      | WHITEMAN, BRIAN A       |                  |  |
| McDermot Wil 600 13th Street |                |                      | ART UNIT PAPER NUMBER   |                  |  |
| Washington, DC 20005-3096    |                |                      | 1635                    |                  |  |
|                              |                |                      | DATE MAILED: 06/06/2005 | 5                |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

# Advisory Action Before the Filing of an Appeal Brief

p (. 3

| Application No. | Applicant(s)     | Applicant(s)     |  |
|-----------------|------------------|------------------|--|
| 10/620,039      | SRIVASTAVA, ARUN | SRIVASTAVA, ARUN |  |
| Examiner        | Art Unit         |                  |  |
| Brian Whiteman  | 1635             |                  |  |

|   | Brian vyniteman  | 1035  |  |
|---|--|---|--|
| The MAILING DATE of this communication appe   | ars on the cover sheet with the c  | correspondence add  | ress                                   |
| THE REPLY FILED <u>12 May 2005</u> FAILS TO PLACE THIS APP  | LICATION IN CONDITION FOR A  | LLOWANCE.   |  |
| <ol> <li>The reply was filed after a final rejection, but prior to or or<br/>this application, applicant must timely file one of the follo<br/>places the application in condition for allowance; (2) a No<br/>(3) a Request for Continued Examination (RCE) in complete<br/>following time periods:</li> </ol>   | n the same day as filing a Notice o<br>wing replies: (1) an amendment, a<br>otice of Appeal (with appeal fee) in | f Appeal. To avoid ab<br>ffidavit, or other evide<br>compliance with 37 ( | ence, which<br>CFR 41.31; or           |
| a) The period for reply expires 4 months from the mailing date of   | the final rejection.   |   |  |
| b) The period for reply expires on: (1) the mailing date of this Advievent, however, will the statutory period for reply expire later that  | sory Action, or (2) the date set forth in than SIX MONTHS from the mailing date o                                | f the final rejection.  |  |
| Examiner Note: If box 1 is checked, check either box (a) or (b).  MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)   |  |   |  |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date on been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened stabove, if checked. Any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b). | nd the corresponding amount of the fee.<br>tutory period for reply originally set in the                         | The appropriate extension final Office action; or (2)                     | on fee under 37<br>as set forth in (b) |
| 2. The Notice of Appeal was filed on A brief in compof filing the Notice of Appeal (37 CFR 41.37(a)), or any explored a Notice of Appeal has been filed, any reply must be AMENDMENTS   | xtension thereof (37 CFR 41.37(e)  | ), to avoid dismissal c   | of the appeal.                         |
|   | but prior to the data of filing a brid   | f will mak be entered t   | h                                      |
| 3.  The proposed amendment(s) filed after a final rejection,<br>(a) They raise new issues that would require further co.<br>(b) They raise the issue of new matter (see NOTE belo   | nsideration and/or search (see NO  | r, will <u>not</u> be entered in TE below);                               | because                                |
| (c) ☐ They are not deemed to place the application in bet appeal; and/or  |  | educing or simplifying  | the issues for                         |
| (d) They present additional claims without canceling a  | corresponding number of finally re   | jected claims.  |  |
| NOTE: (See 37 CFR 1.116 and 41.33(a)).  |  |   |  |
| 4. $oxed{oxed}$ The amendments are not in compliance with 37 CFR 1.1  |  | ompliant Amendment  | (PTOL-324).                            |
| $5$ . $\square$ Applicant's reply has overcome the following rejection(s)   |  |   |  |
| <ol> <li>Newly proposed or amended claim(s) would be a<br/>the non-allowable claim(s).</li> </ol>   |  |   |  |
| 7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro<br>The status of the claim(s) is (or will be) as follows:  | ☑ will not be entered, or b) ☐ w<br>vided below or appended.   | ill be entered and an   | explanation of                         |
| Claim(s) allowed: None.   |  |   |  |
| Claim(s) objected to: None.   |  | ,   |  |
| Claim(s) rejected: <u>16-30</u> .<br>Claim(s) withdrawn from consideration: <u>None</u> .   |  |   |  |
| AFFIDAVIT OR OTHER EVIDENCE   |  |   |  |
| 3. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an and was not earlier presented. See 37 CFR 1.116(e).   | ut before or on the date of filing a N<br>d sufficient reasons why the affida                                    | Notice of Appeal will <u>n</u><br>vit or other evidence i                 | not be entered<br>is necessary         |
| 9. The affidavit or other evidence filed after the date of filing<br>entered because the affidavit or other evidence failed to o<br>showing a good and sufficient reasons why it is necessar  | vercome all rejections under appe  | al and/or appellant fa  | ils to provide a                       |
| 10. ☐ The affidavit or other evidence is entered. An explanatio<br>REQUEST FOR RECONSIDERATION/OTHER  | n of the status of the claims after o  | entry is below or attac   | ched.                                  |
| <ol> <li>The request for reconsideration has been considered bu<br/><u>See Continuation Sheet.</u></li> </ol>   | t does NOT place the application i   | n condition for allowa  | ince because:                          |
| 12. Note the attached Information Disclosure Statement(s).  13. Other:  | (PTO/SB/08 or PTO-1449) Paper  | No(s)   |  |
|   |  | -Tollow<br>Anne   | (acc)                                  |
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Continuation of 11. does NOT place the application in condition for allowance because: The argument and supplemental oath appear to overcome the rejections of record. However, the argument and oath are based on proposed claims that were not entered because they are missing a status identifier. The claims appear to be the same claims that were the previously examined in the prior office action. NOTE: Claims 16-30 are not new claims because they were pending prior to the after final amendment.

### Notice of Non-Compliant Amendment (37 CFR 1.121)

| Application No. | Applicant(s)     |  |
|-----------------|------------------|--|
| 10/620,039      | SRIVASTAVA, ARUN |  |
| Examiner        | Art Unit         |  |
| Brian Whiteman  | 1635             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on <u>12 May 2005</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

| requirea.   |
|---|
| THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:  1. Amendments to the specification:  A. Amended paragraph(s) do not include markings.  B. New paragraph(s) should not be underlined.  C. Other  |
| <ul> <li>2. Abstract:</li> <li>A. Not presented on a separate sheet. 37 CFR 1.72.</li> <li>B. Other</li> </ul>  |
| <ul> <li>3. Amendments to the drawings:</li> <li>A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).</li> <li>B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.</li> <li>C. Other</li> </ul>  |
| <ul> <li>4. Amendments to the claims: <ul> <li>A. A complete listing of all of the claims is not present.</li> <li>B. The listing of claims does not include the text of all pending claims (including withdrawn claims)</li> <li>C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).</li> <li>D. The claims of this amendment paper have not been presented in ascending numerical order.</li> <li>E. Other:</li> </ul> </li> </ul> |
| For further explanation of the amondment format required by 27 CED 1.121, see MDED 8.714 and the LISPTO website a   |

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.

#### TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- 1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- 2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

<u>Extensions of time</u> are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

#### Failure to timely respond to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.